

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

3/28/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 03-00523SOM  
CASE NAME: USA vs. (03) Jose Prieto  
ATTYS FOR PLA: Thomas Muehleck  
ATTYS FOR DEFT: 03 Michael Park  
INTERPRETER: Luz Vega  
Rosanne Donohoe (USPO)

---

JUDGE: Susan Oki Mollway

REPORTER: Debra Chun

DATE: 3/28/2006

TIME: 11 :15 - 11:45

---

COURT ACTION: EP: Continued Sentencing to Counts 1, 2, and 3 of the First  
Superseding Indictment -

Defendant (03) Jose Prieto present, in custody, with Interpreter Luz Vega, who was  
previously sworn.

Arguments.

Allocution by the Defendant.

ADJUDGED:

Imprisonment: 188 Months as to each of Counts 1, 2, and 3, with all terms to be served  
concurrently.

Supervised Release: 5 Years as to each of Counts 1, 2, and 3, with all terms to be served  
concurrently.

Special Assessment: \$300.00 (\$100.00 as to each count).

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision. Since the defendant does not have a recent history of substance abuse and the offense is not drug related, is recommended that the Court waive the mandatory drug test condition.
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ That the defendant submit to removal proceedings, including deportation or exclusion, as required by the Department of Homeland Security. The defendant shall not enter the United States without proper authorization.

Defendant advised of his right to appeal.

JUDICIAL RECOMMENDATIONS: 1) Terminal Island; 2) Vocational and Educational Programs.

Defendant remanded to the custody of the USM.

Mittimus forthwith.

Submitted by: Toni Fujinaga, Courtroom Manager.